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9 *Attorneys for Defendant/Cross-Claimant – Hobby Lobby Stores, Inc.*

10 **UNITED STATES DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 Anna Rebecca Garcia, individually, and as
13 heir, and as Special Administrator of the Estate
14 of Decedent Enrique Alberto Garcia; Anna
15 Sofia Garcia, an individual,

16 Plaintiffs,
17 vs.

18 Hobby Lobby Stores, Inc., a foreign
19 corporation; 601-699 Whitney Ranch Center,
20 LLC a foreign limited liability company; Roe
21 Contractors I through X, inclusive; Does I
22 through X, inclusive; and ROE Corporations I
23 through X, inclusive,

Defendants.

HOBBY LOBBY STORES, INC.

Cross-Claimant,
vs.
601-699 WHITNEY RANCH CENTER, LLC.
Cross-Defendant.

CASE NO. 2:23-cv-00134-APG-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[FIRST REQUEST]

IT IS HEREBY STIPULATED AND AGREED upon between the parties, by and through
their respective attorneys of record, to extend the current discovery dates by ninety (90) days,
pursuant to LR 26-3 and LR IA 6-1. This is the parties' First Request to extend discovery dates.
This stipulation is made in good faith and not for purposes of delay. Good cause exists for this
extension.

1 **A. DISCOVERY COMPLETED**

2 The following discovery has been completed:

3 1. An FRCP 26(f) meeting was held telephonically on March 3, 2023, by and
4 between the attorneys for Plaintiffs, Hobby Lobby Stores, Inc., and 601-609 Whitney Ranch
5 Center, LLC;

6 2. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served its First (Initial)
7 FRCP 26(a)(1) Disclosure on March 7, 2023;

8 3. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served Interrogatories 1-17
9 to Plaintiff Anna Rebecca Garcia on March 7, 2023;

10 4. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served Interrogatories 1-10
11 to Plaintiff Anna Sofia Garcia on March 7, 2023;

12 5. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served Interrogatories 1-16
13 to Plaintiff Estate of Enrique Garcia on March 7, 2023;

14 6. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served Requests for
15 Production 1-5 to Plaintiff Anna Rebecca Garcia on March 7, 2023;

16 7. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served Requests for
17 Production 1-5 to Plaintiff Anna Sofia Garcia on March 7, 2023;

18 8. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served Requests for
19 Production 1-9 to Plaintiff Estate of Enrique Garcia on March 7, 2023;

20 9. Defendant/Cross-Claimant Hobby Lobby Stores, Inc. served its Second FRCP
21 26(a)(1) Disclosure on March 14, 2023;

22 10. The parties filed a Proposed Joint Discovery Plan and Scheduling Order on March
23 17, 2023;

24 11. Plaintiffs served their Initial FRCP 26(a)(1) Disclosure on March 17, 2023;

25 12. Defendant/Cross-Defendant 601-609 Whitney Ranch Center, LLC served its
26 Initial FRCP 26(a)(1) Disclosure on March 22, 2023;

27 13. Plaintiffs served their First Set of Interrogatories to Defendant/Cross-Claimant
28 Hobby Lobby Stores, Inc. on March 29, 2023;

1 14. Plaintiffs served their First Set of Requests for Production to Defendant Hobby
2 Lobby Stores, Inc. on March 29, 2023;

3 15. Plaintiffs served their First Set of Requests for Production to Defendant 601-609
4 Whitney Ranch Center, LLC on March 29, 2023;

5 16. Plaintiffs served their First Set of Interrogatories to Defendant Hobby Lobby
6 Stores, Inc. on March 29, 2023;

7 17. Plaintiffs served their First Set of Interrogatories to Defendant 601-609 Whitney
8 Ranch Center, LLC on March 29, 2023;

9 18. Defendant/Cross-Defendant 601-609 Whitney Ranch Center, LLC served its First
10 Supplement to FRCP 26(a)(1) Disclosure on April 4, 2023;

11 19. Plaintiffs served their First Supplement to FRCP 26(a)(1) Disclosure on April 20,
12 2023;

13 20. Plaintiff Anna Rebecca Garcia served her Responses to Hobby Lobby Stores
14 Inc.'s Interrogatories 1-17 on April 20, 2023;

15 21. Plaintiff Anna Rebecca Garcia served her Responses to Hobby Lobby Stores
16 Inc.'s Requests for Production 1-5 on April 20, 2023;

17 22. Plaintiff Anna Sofia Garcia served her Responses to Hobby Lobby Stores Inc.'s
18 Interrogatories 1-10 on April 20, 2023;

19 23. Plaintiff Anna Sofia Garcia served her Responses to Hobby Lobby Stores Inc.'s
20 Requests for Production 1-5 on April 20, 2023;

21 24. Plaintiff Estate of Enrique Garcia served its Responses to Hobby Lobby Stores,
22 Inc.'s Interrogatories 1-16 on April 20, 2023; and

23 25. Plaintiff Estate of Enrique Garcia served its Responses to Hobby Lobby Stores,
24 Inc.'s Requests for Production 1-9 on April 20, 2023.

25 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

27 The following discovery remains to be completed:

28 1. Deposition of Plaintiff Anna Rebecca Garcia;

- 1 2. Deposition of Plaintiff Anna Sofia Garcia;
- 2 3. Deposition of the Special Administrator of the Estate of Enrique Garcia;
- 3 4. Deposition(s) of the FRCP 30(b)(6) representative(s) for Hobby Lobby Stores,
- 4 Inc;
- 5 5. Deposition(s) of the FRCP 30(b)(6) representative(s) for 601-609 Whitney Ranch
- 6 Center, LLC;
- 7
- 8 6. Initial Expert depositions;
- 9 7. Rebuttal expert depositions;
- 10 8. Other depositions, as needed;
- 11 9. Initial expert disclosures;
- 12 10. Rebuttal expert disclosures;
- 13 11. Propound additional discovery requests, as needed;
- 14 12. Obtain additional or updated medical records, as needed; and
- 15 13. Obtain other relevant documents and material, as needed.

17 This list is not exhaustive.

18 **C. REASONS WHY REMAINING DISCOVERY CANNOT BE TIMELY**
19 **COMPLETED.**

20 The parties have been diligent and actively engaged in discovery, including completion
21 of the above-listed discovery, however require additional time to conduct additional discovery.
22 There has been a recent change of counsel in this matter. Specifically, on April 7, 2023,
23 Defendant/Cross-Claimant Hobby Lobby Stores, Inc. substituted the law firm of Wilson Elser
24 Moskowitz Edelman & Dicker LLP and its attorneys with the law firm of Hall Jaffe & Clayton
25 LLP and its attorneys. *See* ECF No. 26. During this time, the attorneys of Hall Jaffe & Clayton
26 were in the process of obtaining all documents and material from Wilson Elser, in order to
27 effectively carry out representation of Hobby Lobby Stores, Inc. There also was an inter-office
28

1 change of counsel on April 7, 2023, between the attorneys for Defendant/Cross-Defendant 601-
 2 609 Whitney Ranch Center, LLC. *See* ECF No. 25. Accordingly, due to the recent change of
 3 law firms and counsel in this matter, the parties require additional time to conduct the above-
 4 remaining discovery, including, but not limited to, obtaining additional documents and
 5 information in preparation of initial and rebuttal expert disclosures. The parties therefore
 6 respectfully request that the Court grant this Stipulation and Order to Extend Discovery (First
 7 Request) and that the below proposed dates be adopted.

9 This stipulation is not submitted for any improper purpose or to unnecessarily delay the
 10 proceedings. The parties submit that good cause exists to grant the ninety (90) day extension of
 11 discovery deadlines. This is the parties' first request for extension.

12 **D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**
 13 **DISCOVERY.**

	<u>Current Dates:</u>	<u>Proposed Dates:</u>
Close of Discovery:	August 30, 2023	November 22, 2023
Amend/Add Parties:	June 1, 2023	August 30, 2023
Initial Experts:	June 30, 2023	September 28, 2023
Rebuttal Experts:	July 31, 2023	October 30, 2023
Dispositive Motions:	September 29, 2023	December 28, 2023

21 The parties hereby respectfully request that this Stipulation and Order to Extend
 22 Discovery (First Request) be granted and that the Court adopt the proposed dates set forth above.
 23 This Stipulation and Order is timely under LR 26-3, as more than twenty-one days remain before
 24 the deadlines in this matter close.

1 DATED this 4th day of May 2023.

2 **HENNESS & HAIGHT**

3 */s/ Jacob S. Smith*

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5 Jacob S. Smith, Esq.
6 David T. Gluth, Esq.
7 8972 Spanish Ridge Avenue
8 Las Vegas, Nevada 89148
9 *Attorneys for Plaintiffs*

10 DATED this 9th day of May 2023.

11 **HALL JAFFE & CLAYTON, LLP**

12 */s/ Michael R. Hall*

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14 MICHAEL R. HALL, ESQ.
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17 Las Vegas, Nevada 89128
18 *Attorneys for Defendant/Cross-Claimant*
19 *Hobby Lobby Stores, Inc.*

20 DATED this 9th day of May 2023.

21 **RAY LEGO & ASSOCIATES**

22 */s/ Timothy F. Hunter*

23
24 Timothy F. Hunter, Esq.
25 7450 Arroyo Crossing Pkwy.
26 Suite 250
27 Las Vegas, Nevada 89113
28 *Attorneys for Defendant/Cross-Defendant*
29 *601-609 Whitney Ranch Center, LLC*

30
31 **ORDER**

32
33 **IT IS SO ORDERED**

34
35 **DATED:** 4:28 pm, May 10, 2023

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37 

38
39 **BRENDA WEKSLER**
40 **UNITED STATES MAGISTRATE JUDGE**